

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ALVIN WILLIS §
VS. § CIVIL ACTION NO. 1:05cv126
DAVID DOUGHTY, ET AL §

MEMORANDUM OPINION

Plaintiff Alvin Willis, an inmate at the Stiles Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against several prison officials. Plaintiff seeks permission to proceed *in forma pauperis* in this action.

Analysis

On April 26, 1996, the president signed into law the Prison Litigation Reform Act. Pub.L. No. 104-134, 110 Stat. 1321 (1996). 28 U.S.C. § 1915(g), which was created by the Act, prohibits prisoners from repeatedly filing frivolous or malicious complaints. Section 1915(g) provides as follows:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [*in forma pauperis*] ... if the prisoner has, on three or more occasions ... brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Prior to the date on which he filed this lawsuit, courts had dismissed three lawsuits filed by plaintiff as frivolous or for

failure to state a claim.¹ As a result, Section 1915(g) is applicable.

As set forth above, plaintiff has had three prior lawsuits dismissed as frivolous or for failure to state a claim. The allegations set forth in plaintiff's complaint do not demonstrate that he is in "imminent danger of serious physical injury." Section 1915(g) therefore bars plaintiff from proceeding further with this lawsuit on an *in forma pauperis* basis.

Conclusion

For the reasons set forth above, this action will be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g). An appropriate final judgment shall be entered in accordance with this memorandum opinion.

SIGNED at BEAUMONT, Texas, on this the 7 day of June, 2005.



HOWELL COBB
UNITED STATES DISTRICT JUDGE

¹ *Willis v. Mott*, No. 4:98cv2325 (S.D. Tex.) (dismissed as frivolous and for want of prosecution); *Willis v. Mott*, No. 4:02cv147 (S.D. Tex.) (dismissed for failure to state a claim); *Willis v. Stevenson Unit*, No. 6:97cv103 (S.D. Tex.) (dismissed as frivolous and for failure to state a claim).